



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

TECH CENTER 1600/2800

FEB 27 2002

RECEIVED

Applicants: Chaoying Zhao

For: NOVEL PHARMACEUTICAL COMPOSITIONS FOR TREATING AND
SAVING AND THE METHOD FOR THE PREPARATION THEREOF

Serial No.: 09/713,498

Examiner: Pak, John D.

Filed: November 15, 2000

Group Art Unit: 1616

Docket No.: 014938.0003

Assistant Commissioner for Patents
Washington, DC 20231

CERTIFICATE OF MAILING

I certify that this document and fee is being
deposited on 1/4/2002 with the US
Postal Service as first class mail under 37 C.F.R.
1.8 and is addressed to the Assistant Commissioner
for Patents, Washington, D.C. 20231.

Ellen Lovelace
Ellen Lovelace

RESPONSE TO OFFICE ACTION MAILED DECEMBER 10, 2001

The present paper is submitted as a complete response to the Official Action mailed December 10, 2001, having a shortened statutory period of response, which expires on January 10, 2001. The present paper is timely filed since this paper is being filed prior to or on the one-month date, however, should an extension of time be required, this paper is such a request. Should any fees under 37 C.F.R. §§ 1.16 to 1.21 be deemed necessary for the filing of the present document, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 01-0657.

REMARKS

I. Status of the Application

Claims 1-7 are pending. The present Office Action states that claims 1-7 are generic to a plurality of patentably distinct species, because more than one compound can be selected for the first substance of the claimed composition, and more than one compound can be selected for the second substance of the claimed composition. The present Office Action requires the applicant to elect one single compound or a mixture of compounds for the first substance, and one single compound or a mixture of compounds for the second substance.

II. Election

In response to the election requirement as applied to the first substance of the composition of claim 1, Applicant makes the following election: 1.5-6.9% (w/v) of a mixture of sodium chloride, sodium bicarbonate, and calcium lactate.

In response to the election requirement as applied to the second substance of the composition of claim 1, Applicant makes the following election: 3-18% (w/v) of a mixture of hydroxyethylstarch, dextran, and gelatin derivatives.

If the Examiner maintains as final the election of species requirement, Applicant will take the position that the election requirement constitutes an admission that one species is patentable over the other, and that any prior art must be closer to the elected species than the non-elected species to render the elected species unpatentable.

III. Conclusion

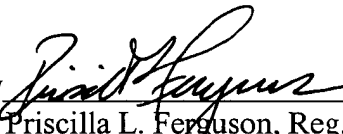
It is believed that all matters set forth in the Office Action have been addressed. Favorable consideration and an early indication of the allowability of the claims 1-7 are respectfully requested. Should the Examiner deem that an interview with Applicant's attorney would expedite consideration of this Amendment, the Examiner is invited to telephone the undersigned at 214-969-4657.

Respectfully submitted,

Jan. 4, 2002

Date

By



Priscilla L. Ferguson, Reg. No. 42,531
Akin, Gump, Strauss, Hauer & Feld, L.L.P.
P.O. Box 688
Dallas, TX 75313-0688
(214) 969-2800